

Notice of Allowability

Application No.

10/032,684

Examiner

James H. Zurita

Applicant(s)

WULFF ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 26 June 2006.
2. ☒ The allowed claim(s) is/are 2-5, 7-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 26 June 2006 has been entered.

Response to Amendment

On 26 June 2006, applicant amended claim 10.

Claims 2-5 and 7-10 are allowed. Claim 10 is independent.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance for independent claim 10.

Prior art of record neither anticipates nor fairly and reasonably teaches a method of printing and delivering digital image(s) from a merged digital image files for one or more recipients. Prior art does not disclose the combination of steps of

a) a consumer electronically transmitting digital image(s) and consumer information including image locator information, recipient location information and demographic information other than address information, identifying the consumer or recipient, from a

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consumer location remote from and over a communication channel to a central receiving agency which stores such digital image(s) and locator information in a memory, wherein the demographic information includes at least one of age, ethnicity, or income;

- d) the central receiving agency selecting one or more sponsor's digital image(s) based upon a correlation between the demographic information provided by the consumer and the demographic requirements provided by the sponsor(s);
- e) the central receiving agency merging into a digital image file the consumer identified digital image(s) and the corresponding selected sponsor digital image(s) selected by the central receiving agency;

Closest Prior Art

The closest prior art, Lockhardt (US 6,732,152), calls for deriving the demographic information from the consumer's address information. Lockhart does not teach the step of the consumer electronically transmitting the demographic information from an address.

In addition, the combination of Lockhardt and Fredlund (US 5,666,215, issued to assignee of the instant application), do not disclose "...the central receiving agency merging into a digital image file the consumer identified digital image(s) and the corresponding selected sponsor digital image(s) selected by the central receiving agency..."

Examiner Comments

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Swix et al. (US 6,718,551, issued 6 April 2004), filed 21 December 1999 as a continuation-in-part of application 08/779306, filed 6 January 1997, now abandoned. Swix discloses merging advertisements with images of human models, but does not disclose a consumer electronically transmitting digital image(s) and consumer information including image locator information, recipient location information and demographic information other than address information, identifying the consumer or recipient, from a consumer location remote from and over a communication channel to a central receiving agency which stores such digital image(s) and locator information in a memory, wherein the demographic information includes at least one of age, ethnicity, or income.

The closest non-patent literature is ***Stephens***, Mug Shots Stamps from Australia Post, copyrighted in 1999, downloaded from the Internet on 10 December 2004, 5 pages, discloses merging images into postage stamps. However, Stephens does not disclose the combination of steps including ...d) the central receiving agency selecting one or more sponsor's digital image(s) based upon a correlation between the demographic information provided by the consumer and the demographic requirements provided by the sponsor(s); and e) the central receiving agency merging into a digital image file the consumer identified digital image(s) and the corresponding selected sponsor digital image(s) selected by the central receiving agency.

The closest non-US patent art is Karlsson et al., **EP 1126394 A1**, filed on 2 February 2001 with the European Patent Office and published on 22 August 2001. The application claims priority to US application 09/658036, filed 11 September 2000, abandoned on 8 March 2004, which claimed priority to US provisional 60/179972 filed 2 March 2000. However, Karlsson does not disclose the step of "...the sponsor making at least partial payment to the central receiving agency for the printing and delivering the merged digital image file."

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
17 September 2006

James Zurita
Primary Patent Examiner